

Japan: Maritime Claims

Japan's decision this year to extend its territorial sea to twelve miles and to adopt a 200 mile fishing zone reflects Tokyo's desire to protect the interests of its coastal fishing industry as well as to increase its bargaining leverage in fishing negotiations with the USSR. Until this year, the government had maintained that it should avoid any action that could undermine Japan's position at the LOS conference in favor of both liberal access to world maritime resources and internationally sanctioned rules governing rights of passage through affected straits. Growing pressure from the politically powerful coastal fishing lobby because of Soviet fishing competition around Japan and lack of progress in the LOS negotiations essentially prompted Tokyo to change its position.

Indeed, Moscow's competitiveness and the hardline Soviet stance in current bilateral fishing negotiations was directedly responsible for Japan's adoption of a 200 mile zone. The move--which had the unanimous and unprecedented support of all the opposition parties--is designed to improve the government's bargaining leverage. Although Tokyo is resigned to absorbing significant cuts in its catch in the expanded Soviet zone, the government clearly hopes that its initiative will lead to some moderation in Soviet demands as well as greater Japanese control

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Contribution to NIE on LOS

South Korea: Assessment of Maritime claims

South Korea has an important stake in virtually all Law of the Sea issues. It is a peninsular state with coasts bordering the Yellow Sea, the Cheju Strait, the East China Sea, the Western Korea Strait, and the Sea of Japan. Seoul has amicable relations with only two (Japan and Taiwan) of the five states (add the PRC, the USSR, and North Korea) with which it shares its adjacent waters. South Korea is heavily reliant on sea transport for both domestic and foreign commerce, its deep sea fishing fleet ranges worldwide, and it looks to successful oil exploration on the continental shelf to compensate for a lack of domestic crude petroleum.

Territorial Sea: South Korea has considered extending the current 3-mile claim to 12 miles and has prepared a plan for establishing a straight baseline system. Cheju-do and the coastal islands in the Western Korea Straits and Yellow Sea would be included in the system. Ullang-do and Tok-do (Takeshima) in the Sea of Japan would not.

Fishing Limits: South Korea plans to increase its fish production and fish exports by a large percentage. Virtually all of the catch will have to come from beyond South Korea's exclusive 12 mile coastal fishing zone, which is currently

fished to near the maximum sustainable yield. One of Seoul's greatest concerns is how to protect fisheries affected by others' 200 mile zones. Unilateral declarations by the US and the USSR have already adversely affected South Korea's deep sea harvest. As a relatively new distant water fishing state, South Korea has few historic fishing rights. Seoul will probably seek to fill its increasing demand for fish through bilateral fishing agreements.

China/Contribution to a National Intelligence Estimate on  
Law of the Sea

China generally supports the positions of the LDCs, viewing the LOS primarily as a struggle between the developed nations and the developing countries of the Third World. In particular China uses LOS forums and issues to excoriate the USSR and, with more restraint, to criticize the US.

China's claims to a three mile territorial limit and twelve mile fishing limit are based on long-standing tradition. The more extensive Chinese claims to jurisdiction over maritime resources farther offshore are based on the concept of the rights of a coastal state in the super-adjacent waters of the continental shelf up to some internationally determined limit. Although China accepts the concept of a 200-nautical mile exclusive maritime economic zone, it is unlikely to base its own maritime claims on this concept. There is no evidence that China will proclaim its own 200-nautical mile limit in the absence of a comprehensive LOS treaty.

Aside from its political usefulness as a device to curry favor with Third World countries, LOS is not of much consequence to the PRC. Matters of practical interest to the PRC--such as conflicting claims to the Senkaku and Spratly Islands and the overlapping claims of Japan, South Korea, and China in the East China Sea--will most likely be handled on a bilateral basis, if dealt with at all. So far Peking appears to be keeping its claims open but does not plan

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Republic of China  
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Republic of China

The Republic of China does not participate in LOS forums. Its current three-mile limit is based on tradition matching the usual limit of other states at the time of the formation of the Republic of China. Taipei probably would deny the jurisdiction of any LOS agreements which might undermine its claims to the Senkaku and Spratly Islands, which are based on continental shelf and historical agreements. Additionally, the ROC probably would oppose LOS agreements which might harm the interest of its fishing industries.

## Law of the Sea

### Indonesia, Malaysia, and Singapore

Indonesian, Malaysian, and Singaporean positions on law of the sea issues are determined largely by practical considerations of national self-preservation. They center on geographical, security, military, economic, and ecological concerns. Law of the sea is not a popular domestic issue in any of the three countries, although it has attracted some nationalistic sentiment. It is not used as an instrument for extracting concessions internationally except for such practical matters as provision for restitution in the event of oil spills. The only outstanding exception to this characterization is the Indonesian and Malaysian identification with the nonaligned movement which will cause them to support law of the sea positions of no direct interest to themselves. In this context, the two countries, especially Malaysia, must appear to be standing up to the superpowers.

Japan: Attitudes Toward Maritime Jurisdiction

The Japanese are increasingly concerned over the international trend toward unilateral extensions of coastal jurisdictions. In particular, the declarations of 200 mile fishing zones by the US, Canada and Mexico -- and the need to work out new bilateral fisheries agreements -- have meant diminished prospects for Japan's long distance fishermen. Similarly, Japan's dependence on shipping for both its export economy and resource supplies has stimulated concern in Tokyo over the pressure from states bordering vital international waterways -- particularly in Southeast Asia -- to exert stricter control over rights of passage.

Although Japan's coastal fishing lobby has argued vigorously -- and successfully -- for Tokyo's extension of its own maritime jurisdiction, Japan's large and productive long range fishing industry has been troubled by the prospect that the government's action would further underwrite the trend toward expanding coastal fishing zones. Even so, unilateral action by other states and domestic pressure stemming from Japan's fishing problems with the USSR has already prompted Tokyo to enlarge its territorial seas -- albeit exempting a number of key international straits through the Japanese islands from national control -- and to adopt its own 200 mile fishing zone as a bargaining lever with Moscow.